

REMARKS

Applicant respectfully requests reconsideration of this application, and reconsideration of the Office Action dated June 14, 2005. Upon entry of this Amendment, claims 1-10 will remain pending in this application. New claim 11 is also added. The changes to claims 1 and 2 are supported by the specification and original claims (e.g. page 11, lines 9-20, page 15, lines 5-13, and Figs. 3-4). New claim 11 is taken from original claim 9. No new matter is introduced as a result of this Amendment.

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The abstract is objected to because it is not in single paragraph form and because it contains legal phraseology. In response, Applicant submits herewith a new Abstract of the Disclosure on a separate sheet of paper. The new abstract is in single paragraph form and does not include legal phraseology. Hence, the objection is overcome and its withdrawal is respectfully requested.

The Title was also objected to for purportedly failing to be indicative of the claimed invention. However, Applicant respectfully disagrees. The Title corresponds with the claimed subject matter. For example, independent claim 1 concerns a “data recording system” and independent claim 2 concerns a “recording objective determination device.” Adding additional terms to the title will likely cause the title to become too long. Accordingly, Applicant respectfully submits the present title is clearly indicative of the claimed subject matter and requests that the objection be withdrawn.

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Claim 10 is rejected under 35 U.S.C. § 101 for purportedly being drawn to non-statutory subject matter. Specifically, the Office Action asserts claim 10 is drawn to a computer program. In response, Applicant has amended claim 10 to recite “A computer

readable medium having a program... .” Thus, the change to claim 10 overcomes this rejection and its withdrawal is respectfully requested.

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Claims 1, 2, and 10 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by Okada (U.S. Pat. Pub. No. 2001/0028785 A1). The Office Action asserts Okada discloses each feature of these claims. Applicant respectfully traverses.

Independent claim 1 concerns a data recording system. The system includes a plurality of recording devices for recording data containing images and/or voice in a prescribed recording medium. The system also includes a recording objective determination device that includes at least a recording objective determination means, determining by a predetermined method, a recording device for recording the data, from among the plurality of recording devices. In the system of claim 1, the recording objective determination means automatically decides which recording device should record among the plurality of recording devices (by the predetermined method). Independent claim 2 concerns a corresponding recording objective determination device. Furthermore, claim 10 concerns a computer readable medium having a program for causing a computer to serve as all or a part of the recording objective determination means of (claim 2).

The Office Action asserts that Okada’s primary storage unit 2 and secondary storage unit 3 are equivalent to the plurality of recording devices as recited in the claims. The Office Action further asserts that Okada’s view/playback history unit 16 is equivalent to the recording objective determination means of the present invention. However, Applicant respectfully disagrees for the following reasons.

In Okada’s system, data first is recorded in the primary storage unit 2. The data then is judged, by the view/playback history unit 16, whether to be recorded in the

secondary storage unit 3. Hence, in Okada's system, the secondary storage unit is not equivalent to the primary storage unit. This is because the secondary storage unit is set to only record data that is recorded in the primary storage unit. The view/playback history unit regulates the activity of the secondary storage unit and, as such, is not equivalent to the recording objective determination means of the present invention.

In practice, in the present invention, the "plurality of recording devices" are equivalent to each other in their function. Each can record data from outside Applicant's system. The "recording objective determination means" directly determines which specific recording device, among the plurality of (equivalent) recording devices, is to record data received from an outside source such as a broadcast station. Applicant does not arrange for separate control of one or more recording devices to re-record what has been recorded in a "primary" recording device. Okada's primary storage unit 2 and secondary storage unit 3 do not teach or suggest Applicant's arrangement of a plurality of recording devices under common control (for recordation selection) as recited in the claims. Moreover, Okada's view/playback history unit has no place in the recording objective determination means of the present invention. Okada, thus fails to teach or fairly suggest each and every feature of claims 1, 2, and 10 and therefore cannot anticipate the claimed invention.

In view of the above remarks, Applicant submits this rejection is overcome and requests it be withdrawn.

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Claims 3-8 are rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Okada in view of Yumine et al. (U.S. Pat. No. 5,528,746).

Claim 9 is rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Okada in view of Lee et al. (U.S. Pat. No. 6,839,499).

Claim 9 is rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Okada in view of Yumine et al. and further in view of Lee et al.

These three rejections are addressed together as similar issues apply to all three. Moreover, Applicant respectfully traverses each.

The deficiencies of Okada are discussed above. Neither Yumine nor Lee remedies these deficiencies. None of the cited patents teaches or fairly suggests the plurality of recording devices or the recording objective determination means as recited in the present claims. Moreover, there is nothing in the teachings of the cited patents which would motivate those of ordinary skill in the art to have employed these features.

With respect to the combined teachings of Okada and Yumine, Applicant has the following additional comments. In Yumine's device, the user selects a recording device via switcher 20. In contrast, Applicant's claimed recording objective determination means, automatically decides the recording device, without the user's instruction.

In view of the above remarks, Applicant submits each of the above rejections is overcome. Withdrawal of each is thus respectfully requested.

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Applicant respectfully submits this Amendment and the above remarks obviate the outstanding objections and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033216.059.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033216.059.

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